

FORM and OVERTURE

FOR AN

Additional ACT, anent Registrating Summons, and Instruments of Interruption,

FORASMUCH, as by the 19 Act of the last Session of this Current Parliament, all Summons and Instruments of Interruption of Prescription, then Raised and Taken, were Ordained to be Recorded in a particular Register, to be appointed for that effect, and that within a Year after the date of the said Act, which was the ninth of October 1696. His Majestie with Advice and Consent of the Estates of Parliament, Does hereby Declare, *That the said Tears Space should not Run against Minors.*

Arguments why Minors ought to have been Excepted in the said Act, the 9 of October 1696, And therefore that the same ought now to be Rectified.

By the Act 81. Par. 6. *JAM: 6.* Minors are excepted that the three years within which Spulies should be pursued, should not run against them.

By the Act 9. Par. 2. Sess. 1. *CH: 2.* Anent the Prescriptions of five Years, Ten Years, & Twenty Years Respective, in the Cases of Arrislements, Hou'e Maills, Bargains, Holograph Writes, Minors are Excepted, That none of these Prescriptions should Run against them.

By the Act 10. of the said Parliament 2d. Session 1: *K: Charles 2d,* anent the Seven Years, within which Citations used by way of Interruption, should be Renewed, Minors are Excepted.

Beside several Acts of Parliament more, as to the time appointed for pursuing Summons of Error, Actions of Removing, and the time for Redeceming Appryings, &c. In all of which Minors are excepted.

Item, Our Lawyers by their Writngs testifie, That by Our Law Prescription should not Run against Minors. VIZ.

Chraigie, In his Repertorium Verbo Prescription.

Locharts Index of the Acts of Parliament, Verbo Prescription.

Stair, His Institutes, Tittle Prescription, page 347: N: 18.

Item, The Decision of the Lords, the 5 of July 1666, against Wodsetters, anent the 13 years, within which by the Act of Parliament 1617, Prescriptions then already Run, might be interrupted, Found, That the said 13 Tears did not Run against Minors, Albeit no mention was made of them in the Act of Parliament.

In Respect whereof, And for preventing the Expensive Debate, that Minors may have in pleading, Why the Tears time mentioned in the said Act of Parliament, for Recording Summons of Interruption, should not militate against them; It ought to be Rectified, by declaring Minors not lyable to the said Tear: Or otherwise, allowing Minors yet a competent time for bringing in their Documents to be Reeorded; In regaird of the Security, they might have thought themselves in by the Grounds in Law aforesaid: And specially that the said particular Office, to which by the Act of Parliament, Application should be made for getting their Documents recorded, was not established till near five Months after the date of the Act, whereby the Leidges were deprived of so much of the time allowed to them by Law; And therefore highly reasonable that an Additional time, at least should be granted for inbringing their Writies to be Recorded.